

Response to Restriction Requirement
Application No. 10/643,991

REMARKS

The Examiner requests that Applicants select one of the following groups for prosecution on the merits:

Group I - Claims 1-3, drawn to an optical glass, classified in class 501, subclass 79.

Group II - Claims 4-12 and 16-30, drawn to an optical glass product, classified class 359, subclass 1⁺.

Group III - Claims 13-15 and 31-48, drawn to a method of making an optical product, classified in class 65, subclass 102.

In response to the Restriction Requirement Applicant has elected Group II (Claims 16 to 30) in the above-identification application for examination.

The Examiner also states that claims 4-12 are generic and requires Applicants to elect between a species of claims 4-12 and a species of claims 16-30. Applicants elect claims 16-30.

The election is made with traverse, as explained subsequently. However, Applicant reserves all rights under 35 U.S.C. § 121 to file a divisional to the non-elected groups of claims.

First, claim 1 is generic to claims 4-12 and 16-30, by virtue of the dependence of at least claims 4 and 16 from claim 1. Perhaps the Examiner intended to identify claims 1-3 as generic because claims 4-12 cannot be both generic and a species at the same time.

At least because of the generic relationship between claim 1 and the claims of Group II, Applicants respectfully submit that Group I and II should be examined together.

Another reason for traversal is that the glass composition employed in Group I and Group II both in species 1 and 2 is common and no excess burden exists for the Examiner's search.

A further reason is that the Applicant, HOYA CORPORATION, has had hundreds of US applications examined where there were both claims directed to glass, and glass perform and glass element using the glass. The search strategy and areas are the same. Applicants respectfully submit that the glass, and glass perform and glass element using the glass are

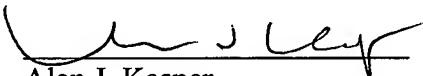
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typically examined in a single application without Restriction Requirement. The Examiner is respectfully referred to the examination procedures of US Patent 6,743,743, as one example.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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